

\*\*E-filed 2/13/07\*\*

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Attorneys for Defendant/Third Party Claimant  
Suncrest Enterprise

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a  
Washington corporation,

Plaintiff,  
v.

SUNCREST ENTERPRISE, INC., a  
California corporation; YI-LING CHEN, an  
individual,

Defendants.

SUNCREST ENTERPRISE, INC., a  
California corporation;

Third Party Claimant,

v.

M-PLUS INTERNATIONAL  
TECHNOLOGY, INC., a California  
Corporation; SIMON P. YU, an individual;  
and AILEEN Y. JIN, an individual,

Cross-Defendants.

Case No. 03-CV-5424-JF (HRL)

REQUEST FOR DISMISSAL WITH  
PREJUDICE OF FIRST AMENDED  
THIRD PARTY COMPLAINT;  
[PROPOSED] ORDER OF DISMISSAL

1 Defendant/Third Party Claimant Suncrest Enterprise (erroneously designated as "Suncrest  
2 enterprise, Inc.), by and through its counsel of record, requests that the First Amended Third Party  
3 Claim filed by Suncrest Enterprise against M-Plus International Technology, Inc., a California  
4 Corporation; Simon P. Yu, an individual, and Aileen Y. Jin, an individual; be dismissed with  
5 prejudice, with each side to bear its own costs and attorneys' fees, pursuant to the terms of the  
6 settlement reached before Magistrate Judge Howard R. Lloyd on January 27, 2007.

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9 GORMAN & MILLER, P.C.

10 By: /s/  
11 JOHN C. GORMAN  
12 Attorneys for Defendant/Cross-Claimant  
13 Suncrest Enterprise  
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15 ORDER

16 IT IS SO ORDERED.

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18 Dated: 2/13/07

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20 HON. JEREMY FOGEL  
21 United States District Judge  
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